THE PROBLEMS OF THE INDIAN BUDDHISTS

BY

PROF. R. D. BHANDARE, M.A., LL.B.

A Word of Gratitude

I consider to be a great Pleasure and privilege to give this small booklet entitled **"THE PROBLEMS OF THE INDIAN BUDDHISTS"** to those who are in power and authority and who alone can do justice to the cause of the New Movement of Conversion which is intended for Resurgence and Regeneration of the New Indian Society. I am also certain that those who can bestow time and energy in going through this booklet can also put their weight in favour of this Movement of Resurgence and Regeneration of the Indian Society.

I must take this opportunity for thanking my great friend Hon'ble Shri Ashoka Mehta, Minister for Planning & Social Welfare who encouraged me to submit a Note to the late Prime Minister, Shri Shastriji on "the New Converts to Buddhism And their place in the New Indian Society" and the necessity of giving special facilities and concessions, educational and economic, social and political, for their upliftment which I did according to his advice on the 19th of March 1965.

I must also thank Shri Yeshwantrao B Chavan for impressing on the mind of the then Prime Minister, Shri Shastriji the importance and necessity of not only going through the Note but extending the facilities to the New Converts to Buddhism and giving a place of of priority in deciding this matter.

It is really gratifying to note that the members of the Planning Commission Shri Tarlok Singh who discussed this Note a number of times, affording me an opportunity to explain each and every point and Shri S. G. Barve who after going through this Note very minutely expressed that I had made out a case for the New Converts to Buddhism which no wise and no sane man will deny.

The New Converts to Buddhism consider it to be an act of generosity on the part of the Government of India in deciding to extend the facilities to these people. They, therefore, very sincerely thank the Government of India and more especially the Hon'ble Shri Ashoka Mehta for taking a lead in moving both the Planning Commission and the Government of India to extend the facilities to the New Converts to Buddhism.

Bagawat D. Pagare who impressed on me the necessity of getting this booklet printed. I must admit that the publishers M/s. Metro Printing Works have shown great latitude in giving full and complete co-operation in bringing out this small booklet in time.

But for the generous financial help of Shri Manohar Lallji Marwah, this Booklet would not have seen the light of the day. I must, therefore, sincerely thank him for his timely help and support.

Azad Nagar,
Wadala, Bombay-31.
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R. D. Bhandare
M.A., LL.B.

Ever since the New Movement of conversion to Buddhism was started for resurrection and regeneration of Buddhism in this country by our Revered Leader Dr. Babasaheb Ambedkar, it has been received with mixed feelings of appreciation and of askance, nay, at time, with feeling of doubt. It was a matter of great regret and pain for the New Converts to Buddhism that those who are in power and authority, completely misunderstood and misinterpreted this New Movement. They did not appreciate the rise of the New Movement as the Movement of Liberation of the soul and spirit of the suppressed humanity. That it was not only a New Movement for a New Life, but it was essentially for the revival of our ancient culture and civilisation of ancient India, a few people could realise and still a very few could appreciate. In fact, a majority of them failed to understand the implications of it and the far-reaching effects and impact such a Conversion Movement would produce on the life and culture of the modern Indian Society itself. They could not foresee and envisage as to what extent it would contribute to the creation of the New Indian Society based on the New principles of Justice, Liberty, Equality, and Fraternity. That it was a New Way of Life that these people wanted to carve out based on *Prajnya*, *Karuna* and *Sheel*, a very few could discern. In fact, some of the persons in power and authority have misunderstood and a few have gone to the extent of adopting a positive attitude of antagonism and animosity towards this New Movement of Conversion to Buddhism.

It was only the Government of Maharashtra, headed by the then Hon'ble Chief Minister, Shri Yashwantraoji B. Chavan, which, on the eve of the birth of the New Mahrashtra State, could make some Special provisions and give some concessions and facilities, however limited they might be, for these New Converts to Buddhism. This was too done by the Maharashtra Government after a great deal of persuasion and explanation and at times even after struggle: I, therefore, take this opportunity for expressing my sense of apprciation and gratitude for whatever has been done by the Maharashtra State, towards the New Converts to Buddhism.

If the Maharashtra Government, not only could appreciate the New Movement of Conversion to Buddhism, but could grant some concessions and facilities, educational, social and economic, why should the Central Government not follow suit and show the same magnanimity of mind and heart? I have, therefore, prepared this brief in order to persuade the India Government and also to present the case of the New Converts to Buddhism before the Indian Government and before the Bar of the World.

PART I

The Problem of New Converts to Buddhism— Setting up of the Stage

1. The problem of New Converts to Buddhism has become a problem for agitation for the Buddhists. It must, therefore, become a problem for the cogitation and consideration for the rest of the World. Since the New Converts to Buddhism belonged to the Scheduled Castes before their conversion, they used to get facilities and concessions, benefits, rights and privileges arising both, out of the principle of Social Justice aud under the Constitutional Obligations adumbrated in the Constitution of India. A question has, therefore, arisen as whether the New Converts to Buddhism should be given and allowed to continue to enjoy those benefits arising out of the principle of Social Justice and more especially arising out of the Constitutional Obligations, namely the "Special Provision", incorporated in Part XVI and also the "Directive Principles of the State Policy", enshrined in the Constitution of India. In order to find out an answer to this question, we have to understand the nature of the problem of the New Converts to Buddhism, so that we can suggest a permanent solution to this permanent problem.

In order to understand the problem in its proper prespective, we have to take into consideration the historical and social background. Let us, therefore, raise the following propositions :-

I) Firstly, as to who are those who got themselves Newly converted to Buddhism ?

II) Secondly, as to under what principles or as to why benefits and concessions, facilities and safeguards, Political, Social, Economic and Educational were they entitled to get before their Conversion ? and

III) Thirdly, as to for what purpose or with what objective were they given those special concesessions and facilities ?

HISTORICAL BACKGROUND

2. It is a matter of common knowledge that, barring a very few and far between individuals, these New Converts to Buddhism belonged to Scheduled Castes Community before their conversion. As the members of the Scheduled Castes Community they used to suffer from countless difficulties and disabilities. They occupied a very peculiar position in the Indian Social System. To quote the Starte Committee Report published in March 1930, which said "Even though they observed

the religious rites prevalent in the Hindu Community and Celebrated the Hindu fastivities, yet as a mere touch of the Depressed Class held to cause *Pollution* Even though they had the same culture as that of the Hindu Community, worshipped Gods and Goddesses of the Hindus, held in high reverence the scriptures, and other Hindu Religious Books, they were forced and obliged to live in a state of *Isolation* from the rest of the Community". What has been the result of these two factors of Pollution & Isolation? In fact, because of the factors of Pollution and Isolation from the rest of the community, there have been two villages in every village, one belonging to the Scheduled Caste and the other belonging to the rest of the Communities. We can find this phenomena of two villages existing in the same village everywhere throughout India. This can be seen even today.

UNTOUCHABILITY ACQUIRED TWO MEANINGS

3. It requires no separate mentioning and explaining that the Untouchables or the Scheduled Castes were forced and obliged to live outside the boundary lines of the village which belonged to the general Community because of the two factors of Pollution and Isolation. It is also not necessaary to repeat in recording and in recounting the difficulties suffered by the untouchables because of these two factors. These factors have not only created a New Institution of Untouchability in the Hindu Social System but this Institution was sanctified by "Shastras" and "Smurtis", by philosophy and social Norms, by customs and taboos, "UNTOUCHABILITY" pervaded and permeated not only in the minds of the people, but in the literature and the scriptures of the people. It, therefore, as Dr.Babasaheb had said acquired two meanings, namely :

(i) the first, *Literal* meaning and

(ii) the Second, the *Notional* meaning

The study of the Hindu Holy Scriptures, the Indian History and other literature and the Hindu Social System will clearly reveal that both these meanings were embodied in them and were deeply embeded in the life of the Indian people both in its *Philosophical aspect* and the *Practical aspect*. In other words, both these meanings became the foundations of the Hindu Social System and the Hindu-social life itself. Because of this phenomenon these two meanings-literal and notional became the bedrock of the Institution of Untouchability. It happened as it could happen in any other field in the natural course of events. But at what stage of the history of India these events had occurred and how long it took to complete the process of this occurrrence, no scholar and no historian is in a position to tell. In fact no sufficient light has as yet been thrown on this aspect of the Ancient Indian History. One may say as to what is the use of speaking of the past, the present

position is different. Let us, therefore, see the present position. Is there a change in these two meanings ? Is there any change more especially in the application of these two meanings in the case either of the Scheduled Castes or of New Converts to Buddhism ? Have these two meanings ceased to be applied to the Scheduled Castes and even to the New Converts to Buddhism even after their conversion ? Have these two meanings, literal and notional, lost all their significance and connotation ? What is the real and factual Position ? To find out an answer to these questions let us study the problems faced by these people in every village in India even at this juncture.

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PART II

How far Untouchability Vanished :

It may be argued that I am digging out the past when there is no necessity to do so. Let me make my position quite clear. I do not want to sing and repeat the Hymn of Hatred and Antagonism by repeating the past history. What I want to do here is this. I want to see and study to show as to what extent and how far Untouchability has been abolished or is vanished in the recent times.

I am quite aware of the Constitutional position. We have accepted in the Constitution of India the Article 17 which speaks that "Untouchability is abolished and its practice in any form is forbidden." I am also quite aware of the various efforts made both by the Government and other agencies to loosen and to break the shackles of the Institution of Untouchability. But what I want to know is how far Untouchability is removed in both, its Literal sense and Notional sense. In order to study this problem of abolition of Untouchabilitiy a little bit dispassionately and faithfully, we have to see in what directions we have moved to abolish and to destroy the canker of Untouchability from the body politic of the Indian Social systems. There have been so far three-pronged efforts done in this direction. I shall now deal with these efforts one by one.

VARIOUS EFFORTS

What are the efforts so far? I now give below the efforts made, namely:—

1) Firstly, all out efforts for social reform were first started by Mahatma Phule. Thereafter there have been many worthy names including those of Mahatma Gandhi and Dr. Babasaheb Ambedkar in this field.

2) Secondly, the giving of the reservations both in the Central Assembly and the Provincial Assemblies was intended to give some special political rights, privileges and weightages and also concessions and facilities, more especially educational and economic, and fixing the percentage in the Public Services. The decision of giving Reservations, etc. was based on the principles of Social Justice even before the framing of the Indian Constitution. The Indian Constitution, thereafter, accepted *two* schemes for abolishing and destroying the Institution of Untouchability. These schemes are: The first scheme accepted has been dealt with under the Article 17 of

the Indian Constitution, which announces to the world that 'Untouchability is hereby abolished and its observance in any shape or forms is forbidden.' It envisages exploding and shattering to pieces the very foundation of the Institution of Untouchability. The Second Scheme has been dealt with under "Special Provisions." Both these schemes are intended to give a stunning and crushing blow to the Institution of Untouchability. Thirdly, effort of Conversion Movement stated by our Revered Leader Dr. Babasaheb Ambedkar is intended for a Complete Spiritual and Cultural emancipation and liberation of the untouchables out of the tentacles and bondage of the Institution of Untouchability.

I—SOCIAL EFFORTS

7. The time and space will not permit me to take the whole resume of the efforts started by Mahatma Phule and by the social revolutionaries including the Great men like Mahatma Gandhi and Dr. Babasaheb Ambedkar. I would confine myself more particularly to the examination of the last two kinds of efforts namely, the Constitutional and Conversional efforts and study how far the Institution of Untouchability is demolished.

II—CONSTITUTIONAL EFFORTS

It would be a matter of some repetition, if I am to deal with the Constitutional devices or schemes directed towards the abolition of Untouchability.

Long before the framing of the Indian Constitution a device or rather a scheme of the Reservations was accepted on the principles of Social Justice to enable the Scheduled castes and Scheduled Tribes for their upliftment and elevation in the Social Scale.

As to what was the Rationale and Reason of engrafting the Part XVI dealing with the Special provisions in the Constitution? The 'Special Provisions have been incorporated in the Constitution for the purpose of laying down the Foundation of :-

1) Political Democracy.
2) Social Democracy &
3) Economic Democracy.

These "Provisions" deal with the following :-

(a) The Articles 14, 74, 75, 79, 81, 330, 332 are incorporated in the Constitution for the purpose of laying down the foundation of and for the establishment of Political Democracy.

(b) The Articles 330, 332, 335, 14, 15, 16 (1), 16 (4), 25, 38 and 46 are incorporated for the purpose of laying down the foundation of and for the establishment of Social Democracy.

(c) The Articles 39, 43, 335, 16 (4) and 46 are incorporated in the Constitution for the purpose of laying down the fundation of and for the establishment of Economic Democracy.

SOCIAL EFFORTS & THEIR RESULTS

More than a century has passed since Mahatma Jyotiba Phule and others started their efforts towards the abolition and destruction of Untouchability. Four scores of years have passed, since the Great men like Mahatma Gandhi and others have directed their efforts and energies towards the abolition of Untouchability. But what has been the results? Has there been any change in its Literal & National meaning of term uutouchability?

CONSTITUTIONAL EFFORTS & THEIR RESULTS

Fifteen years have passed since the Constitution of India has come into force. Fifteen years have passed since we have accepted the Gospel of Political, Social and Economic Democracies. Fifteen years have passed since we have made these three Democracies as the Articles of Faith of our life. In other words, fifteen years have passed since we have framed the Constitution, given it unto ourselves Democracy, not only as a *Form of Government* but the *way of life* envisaging the construction of the Indian Society based on the principles of:—

> "*JUSTICE-SOCIAL, ECONOMIC* AND *POLITICAL;*
> *LIBERTY OF THOUGHT, EXPRESSION, BELIEF, FAITH AND WORSHIP;*
> *EQUALITY OF STATUS AND OF OPPORTUNITY;* and to promote among them all *FRATERNITY* assuring the dignity of the individual and the unity of the Nation.

WHAT IS THE RESULT

But what has been the result during the last fifteen years after the acceptance of these principles? Has the Institution of Untouchability crumbled and vanished? Is there any noticeable and appreciable change in the outlook and attitude of the people towards the Institution of Untouchability. What is our experience? Need I give any proof in support of the fact that there is no noticeable, appreciable

change in the Institution of Untouchability ? If need be, I am prepared to give the view expressed by no less an Authority than the Commissioner for Scheduled Castes and Scheduled Tribes-a Constitutional Authority created and functioning under the Constitution itself. I would give only two illustrations :-

I. I am quoting para 5 on page 32, section 5 of the Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1958-59.

OBSERVANCE OF UNTOUCHABILITY

The Study Team of Social Welfare and Welfare of Backward Classes set up by the Committee on Plan Projects conducted a survey with regard to the practices of untouchability in order to gauge the pace at which untouchability was disappearing. The findings of the Team are as follows :

" (a) as many as 56.75 per cent Harijan experienced discrimination in regard to seating arrrangements and use of common utensils;

(b) 56.8 per cent of Harijan respondents expressed hesitation in visiting public places because of resentment of caste-Hindus;

(c) 31.4 per cent respondents would not visit public places because of their economic dependence on the caste-Hindus;

(d) The religious isolation of Harijans still persists in a considerable degree which is obvious from the comparatively smaller percentage of non-Harijans associating the Harijans in religious activities;

(e) The degree of awareness of Untouchability (Offences) Act has been found to be higher among non-Harijan respondents i.e. 77.7 per cent as compared to the Harijan respondents among whom it was found to be 66.6 per cont;

(f) The evil of untouchability exists among the untouchables themselves and 18.3 per cent respondents admitted practising untouchability against lower castes."

2. I am also referring to a few lines of the para 2 on page 25, Section IV of the Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1960-61.

gration are the integration of the Scheduled Castes with the caste Hindu Society and *that of the tribals with the general population* of the country. Untouchability is an extreme form of casteism and, therefore, quickest ways have to be devised to to do away with both simultaneously. It was in the fitness of things that the Vice-President, Dr. Radhakrishnan, emphasised this aspect of the problem in his inaugural address to the National Integration Conference. *Casteism and untouchability are formidable barriers to emotional integration* of the country. Casteism has spread its tentacles over all walks of life and has also pervaded the Muslim and the Christian communities in India."

NO CHANGE IN THE NOTIONAL MEANING

I am prepared to say that there is some change in the attitude towards "Untouchability" in its literal sense but one has to, perforce, agree with what Dr. Babasaheb Ambedkar, who on page 204 of his Note submitted to the Indian Franchise Committee, Vol. I of Indian Franchise Committee's Report 1932, says regarding the literal and notional meaning of the term untouchability. He says as follows. :–

> "If this is a correct statement of the facts of the life, then the difference between untouchability in its literal and notional sense is a distinction which makes no difference to the ultimate situation, for (as the extract from the Census report, 1921, of Bihar and Orissa shows) untouchability in its notional sense persists even where untouchability in its literal sense has ceased to obtain. This is why I insist that the test of untouchability must be applied in its notional sense."

It may be asked as to why is it that this quotation of Dr. Babasaheb Ambedkar is given ? I have given this quotation because Dr. Babasaheb Ambedkar himself has given an answer to a similar question raised long before. He says in his Note of Dissent submitted to the Indian Franchise Committee as follows :–

> "The system of the Caste and the system of untouchability form really the steel-frame of the Hindu Society. This division cannot easily be wiped out for the simple reason that it is not based upon rational, economic and racial grounds. On the other hand the chances are that untouchability will endure for long into the future than the optimist reformer is likely to admit on account of the fact that it is based on religious dogma". On page 2 04 of the Note, he further continues to say "Based on religion the ordinary Hindu only relaxes the rules of Untouchability where he cannot observe them. He never abandons them, for the abandonment of untouchability to him involves a total abandonment of the basic religious tenets ;

those who have been observing untouchability for centuries together. The New converts to Buddhism have been experiencing very bitter experiences at the hands of such people. I need hardly mention that the New Converts to Buddhism are treated in the same manners as before. They have been taken to be the same persons as before belonging to the Scheduled Castes Community. The same prejudice continues. The same treatment, therefore, also continues. The same injustice and same ill treatment have been meted out to them. It is really shocking and surprising to record that the New Converts to Buddhism also continue to suffer from both factors of Pollution and Isolation as before their Conversion.

CONCLUSION

From the above discussion, it is clear that the Exterior Castes or the Scheduled Castes or even the New Converts to Buddhism continue to suffer from countless difficulties and disabilities. In spite of the fact that (I) The Social Reformers and revolutionaries directed their energies and efforts to change the social place, position and status of these people, (2) The "Special Constitutional Provisions and the "Directive Principles" are made in their favour to enable them to establish political, social and oconomic Democracy and to lift themselves up in the Social Scale and (3) The Conversion to Buddhism was intended to deliver them from the clutches and bondage of Untouchability, and lead them into the light of the *Dhamma* of the Lord Buddha.

Community, if it so desired, can destroy and annihilate them at any time they like.

(10) That because of this situation in which they are placed they have become completely helpless and haples.

(11) That because of their helplessness and haplessness they have lost all sense of their prestige and self-respect, honour and freedom.

B—NEW CONVERTS TO BUDDHISM

Now let us see and take into consideration the nature of the problem of the New Converts to Buddhism as is found and obtained in actual practice :

(1) That, barring question of a few and far between individuals who live in urban areas and also of those who are educated and, therefore, employed in Government services and of those who are employed in the small industrial places, the New Converts to Buddhism even to-day occupy the same place, position and status in the Indian Society and life.

(2) That, in fact, their place, position and status in the Indian Society is decided and determined by the two factors of Pollution and Isolation even after their Conversion as is in the case of the Scheduled Castes. It may surprise many, but it is a fact which cannot be challenged and controverted.

(3) That because of these two factors they are kept even after their conversion, outside and beyond the "pale" of the general Community as in the case of Scheduled Castes.

(4) That because of these two factors the New Converts are compelled and forced to live outside the boundary line of villages occupied by the general community as has happened in the case of the Scheduled Castes.

(5) That because of these factors the New Converts to Buddhism suffer from countless difficulties and disabilities as the Scheduled Castes Community does.

(6) That because of the difficulties and disabilities they suffer from, the New Converts to Buddhism have to live the life of misery and poverty as the Scheduled Castes Community does.

(3) There is no change whatsoever, in their economic position and status, because the Conversion is mainly intended for spiritual and cultural elevation and not for any material benefits or gains.

(4) Their political position is worse than that of the Scheduled Castes because of the wrong construction, and misunderstanding of the real nature, scope and purpose of the 'Special Provisions' incorporated in the Constitution of India and also the basic principles underlying the principles of Social Justice and Economic Justice adumbrated in the Constitution of India.

PART-II

MAGNITUDE OF PROBLEM -

POPULATION

What is the magnitude of the problem of the New Converts to Buddhism? Is it so insignificant and negligible that it could easily be ignored and neglected? Let us take into consideration the factor of Population first. I need not dwell here at length for the purpose of analysis of the population of the Backward Classes as a whole.

What is now the population of the

(1) Scheduled Castes,

(2) Scheduled Tribes; and

(3) New Converts to Buddhism,

according to the Census of 1961.

Let us take the sample of the population of the Maharashtra State. The total population of the Maharashtra State is 3,95,53,718.

(1) The total population of the Scheduled Castes is 22,26,914. Its percentage is 5.62 to the total population.

(2) The population of the Scheduled Tribes is 23,97,159. Its percentage is 6.06 P. C. to the total population.

(3) The population of the New Converts to Buddhism is 27,89,501. Its percentage to the total population is 7.05. It will, therefore, be seen that it is more than either of the Scheduled Castes or the Scheduled Tribes.

THE POPULATION OF BUDDHISTS

'The Statistical Outline of India' – 1964 published by Tata Industries private Ltd., has on page 12 in the Table 10 "Population by Religion":

	Number (mm.)		Percentage distribution.	
	1951	1961	1951	1961
Buddhists.	0.2	3.3*	0.1	0.7
Christians.	8.4	10.7	2.4	2.4
Hindus.	303.6	366.5	85.0	83.5

Jains	1.6	2.0	0.4	0.5
Muslims.	35.4	46.9	9.9	10.7
Sikhs.	6.2	7.8	1.7	1.8
Others.	1.8	1.6	0.5	0.4
TOTAL	357.3	438.9	100.0	100.0

* The sharp increase is due primarily to the neo-Buydhist movement."

It is common knowledge that the first Conversion Ceremony known as the Dhamma Chakro-Pravartdan had taken place on the 14th of October, 1956 at Nagpur in the Maharashtra State where eight lacs of people got themselves converted when Dr. B. R. Ambedkar got himself converted first at the hands of Maha Thero Chandramani of Lumbini, the Birth place of the Lord Buddha. After this Dhamma Chakra-Pravartan Conversion,the Movement had gathered momentum throughout the country. Its impact was more especially in the Utar pradesh, the Pubjab, Himachal, Madhya Pradesh and some parts of Madras and Mysore and Andhra. This fact is known to the World at large and, therefore, cannot be challenged and controverted. A large number of persons who were followers and admirers of Dr. Ambedkar got themselves converted. Almost all these New Converts belonged to the Scheduled Castes Community. Nearly three crores of the persons belonging to the Scheduled Castes Community thus got themselves converted to Buddhism throughout the country.

A question may be asked: If three crores was the number of persons of the New Converts to Buddhism, why is it, then that the census Report of 1961 does not disclose this figure? The question is simple but an answer is complex, because it is not so simple. There are various and varied reasons as to why we do not find this figure of three crores of Buddhist in India according to the 1961 Census.

What are the reasons? In the first place, the majority of the persons is more interested in the material gains than the spiritual. As the Constitution of India has recognised certain political, social and economic benefits and facilities, it is advantageous to call one-self a member of the Scheduled Castes. In order to get those material advantages, many of the New Converts to Buddhism at the time of Census mentioned that they belonged to the Scheduled Castes, even though in their houses and in their private life they obeserved Buddhism and perform Buddhist's religious ceremonies and rites and rituals. If there is any doubt in what I say, I am prepared to demonstrate the truth of what I say.

If proof is needed, I would only say that all that one has to do is to go to the residence or houses, nay, hutment or hamlet of any New Convert to Buddhism where one will find the photos of Dr. B. R. Ambedkar and the Lord Buddha in their houses or residence. One will also find the Image of the Lord Buddha installed in their houses before whom they kneel down and worship. Apart from these outward signs, they also observe silently but regularly all the rites and rituals of the Buddhist religion. In fact one will find a complete regeneration and change, nay, complete revolution in their minds and manners. In fact, a revolution in their sum total life itself.

A question again will be raised. If this is a fact that every New Convert to Buddhism observes Buddhism in his private life: why is it, then, that he has not mentioned Buddhism as his religion at the time of Census in 1961? The answer is quite clear and obvious. As I mentioned above, that men are no doubt interested in the spiritual regeneration, but they do not shun or spurn the material life. Since the Constitution of India grants and guarantees certain facilities and concessions, political and economic to the Scheduled Castes Community, the New Converts to Buddhism, in order to raise themselves in the social, political and economic scale, mentioned at the Census time that they belonged to the Scheduled Caste Community just for the purpose of getting those facilities to enable to improve their Position in the Society.

I know that it is not a happy sign or augury from the Buddhist point of view. But these are the facts of life of which we should not be oblivious or ignorant. We have to take into consideration these facts of life.

There is also another reason which is more cogent. Barring the Maharashtra State, no other State and not even the Central Government extended facilities to the New Converts to Buddhism to which they were entitled before their conversion. This has also created a great adverse effect on the minds of the poor and the downtrodden. Because of the new awakening for a new life, they would like to raise themselves in the eyes of the world. They were and even to-day are keen and intent upon getting the facilities available to the Seheduled Castes under the Constitution of India. I admit that fault lies with them. But one has also to admit that the fault or responsibility also lies on the Government for creating conditions when they are forced to mention even after thir conversion, that they belong to the Scheduled Caste Community for the purpose of getting facilities. political, educational and economic.

This is exactly the reason why the majority of the New Converts to Buddhism from Uttar Pradesh, the Punjab, Himachal Pradesh and some parts of Mysore and Andhra have not mentioned their Buddhist religion at the time of

Census. In the State of Maharashtra they could mention Buddhism as their religion because they know it perfectly well that the facilities which they were entitled to before their Conversion are made available to them. They also know it for certain that they can get both material benefits and spiritual as well. Even though we find a peculiar phenomena in the rest of the States, in the State of Maharashtra the New Converts to Buddhism have mentioned their Buddhist religion. The result of this has been that they number more than 30 lakhs in Maharashtra State alone. But facts cannot be gainsaid and controverted that 2-1/2 crores of the members of the Scheduled Caste community got themselves converted to Buddhism throughout the land of the Lord Buddha and of Buddhism tiself.

This will clearly show that there is a sharp increase due primarily to the New Movement started by Dr. Babasaheb Ambedkar which movement is known as the Buddhists movement in India. The Census Report, 1961 which has also to say the same thing, shows that in the State of Maharashtra alone there are 27,29,501 Buddhists which constitutes 7.05 per cent of the total population. As there was the Conversion movement in Maharashtra, similarly there was the Conversion Movement in other parts of the Country notably in Uttar Pradesh, Himachal Pradesh, Gujarat and Madras and some parts of Andhra Pradesh. It appears that the number of the New Converts to Buddhism in those areas has not been recorded. The result is that the number of the New Converts to Buddhism is very much deflated. Because of this fact, the population of these New Converts in this country is shown to be only 0.7 per cent which is not in conformity with realities and facts of life.

Looking at the figures, let us see whether the population of the New Converts to Buddhism is negligible and insignificant. The figure of the population of the Buddhists is such that is bound to attract the attention even of the blind man and the prejudiced mind. Can we, therefore, say that the problem of the New Converts to Buddhism, is not enormous and big enough from the point of view of its Number? From the Social point of view, it is, I am quite sure, bound to baffle even the most informed and the sceptical minds as it has done before in the case of the Scheduled Castes.

Whatever may be the reason of such a neglect or failure to record the correct number of these people, and however small might be their number the fact remains that the population of the Buddhists is not neglible in this Country. We shall have, therefore, to take notice of these people to whom special place and position shall have to be assigned, if the Indian Society is to be reorganised and recons tructed based on the principles of Justice, Liberty, Equality and Fraternity.

PART-III

The Nature of the Problem— Is it Temporary or Permanent?

We have seen the nature of the problem of the New Converts to Buddnism. We have also seen its magnitude and dimension. We shall now see whether the problem of these New Converts is a temporary one or a permanent one.

I will only quote what I said in the Bombay Legislative Assembly on the 25th February, 1958 in connection with this problem. I said as follows:—

"I am glad that the DEPARTMENT of Government ultimately came out with a Resolution, extending the necessary facilities to the New Converts to Buddhism. While appreciating this action on the part of the Government, I fail to understand why Government is not prepared to come out with a permanent policy in this respect. Buddhism has come to stay in this country and we, the New Converts to Buddhism are not likely to retrace our step. *It has, therefore, become a permanent problem which requires a permanent solution.* If, therefore, the matter is left to the sweet will of any particular department of Government, or, for that matter to the Cabinet of any particular time, I am afraid that this problem will never be solved permanently and in the manner in which it should be done. We would, all the while, be left to the mercy of Government at a particular time. I, therefore, reiterate that a permanent solution must be found out for this problem for the welfare of the New Converts, and until that is done, we shall continue to agitate."

(Bombay Legislative Assembly Debates Vol.-No. 7 Page 519)

Will it, therefore, be wrong on my part to urge here for a permanent solution of this permanent problem of such a magnitude and dimension which is posed here?

PART IV

Magnitude of Problem - Social Significance What would be the Result?

What would be the result, if the situation as we have described under the propositions mentioned above, would continue for a long time? That because of their helplessness and haplessness, the New Converts to Buddhism are likely to loose all courage and spirit arising out of the New Conversion Movement which was mainly intended for the reconstruction of the New Indian Society. These people are likely to loose and forget, in course of time, whatever change and awakening that has taken place in their minds and manners, which is noticeable after their conversion. I cannot imagine the loss and the damage that would be done not only to the new Converts to Buddhism themselves, but to the whole of the country and to the World at large, which, in its turn, would suffer on account of it, if the New Converts relapse in the darkness and plunge in the abyss of poverty and · ignorance nay, Untouchability. This is really a problem every rational and wise man must think and ponder over.

I must also mention here that this is not the first time that I am expressing my fears. I have expressed such fears while speaking in the Bombay Assembly on the Governor's address, on the 25th February, 1958 in the following language:-

> " Sir, When I came to this House, the thought which was agitating and oppressing my mind most was the thought about the new policy of the Congress Government, I was wondering all along as to what would be the fate of the newly converted Buddhists, since it was declared that the facilities which they were getting previously had been withdrawn. Sir, I am referring to a particular philosophy of Buddhism, which is aimed at creating conditions to establish a society based on the principles of equality, liberty, justice and fraternity. We, the New Converts to Buddhism, consider ourselves to be the spear-head of a movement intended to create those conditions envisaged and the facilities and safeguards are considered just necessary, notwithstanding this conversion to the New Faith. Largely on account of the effort of our revered leader Dr. Babasaheb Ambedkar. the Community has joined this force and movement despite the lack of educational facilities to them, and I think it would have been impossible task to achieve for any other person of a lesser Calibre and Capacity. So, Sir, the thought about the facilities to the Buddhists has been haunting and oppressing my mind all along."
>
> (Bombay Legislative Assembly, Debates, Vol. 5 No. 7, Page 318).

As it was and still it is, in case of Scheduled Castes so also in case of the New Converts to Buddhism this problem is likely to defy all solutions. In other words the enormity of the problem of the New Converts to Buddhism is so big and baffling that its magnitude and dimension cannot simply be measured and gauged unless proper and necessary thought, time and energy is bestowed on it for its just and proper solution. As to what should be the solution is a question to which we must now apply our mind.

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CHAPTER-III

Solution of This Gigantic Problem.

PART-I

A Solution Suggested :

What should be the solution of such an enormous problem ? I do not want to raise this question by way of a Riddle. For the purpose of attracting the minds of every thinking and reasonable man who has some amount of public interest, Social, Educational, Economic. Cultural, at heart, I have raised this important question to which a satisfactory and proper but lasting and permanent solution must be found.

My solution is that, since these New Converts to Buddhism, because of their social, economic and educational backward conditions, continue to suffer difficulties and disabilities as before their conversion, they should be allowed to continue to enjoy the same benefits and advantages, concessions and reservation which they used to enjoy before their conversions, In other words, they should be allowed to have :-

(1) Reservations, political, Social and Economic which are contemplated and given to the Scheduled Castes and the Scheduled Tribes under the Constitution of India and also

(2) Other concessions and facilities to enable them to derive benefits arising out of these Reservations and concessions and facilities under the Principle of Social Justice.

Is it Surprising and Shocking ?

I am quite sure that it may shock and surprise many if I suggest that the New Converts to Buddhism should be given, not only concessions and facilities but the Reservation and safeguards contemplated and adumbrated in the Special Provisions of the Constitution of India. Some of the critics may even go to the length of jumping at my throat in order to ask me a counter question : "Why is it that you are demanding the Special Concessions and Facilities which are intended for the Scheduled Castes and Scheduled Tribes ? Do you want to suggest, in all seriousness, that the New Converts to Buddhism should also be included in the category of the Scheduled Castes for the purpose of Reservations ? Do you want to carry Castes into Buddhist Religion by asking concessions and facilities meant exclusively for the Scheduled Castes ? Do you want to despoil and defile the Buddhist Religion itself for the sake of a few facilities and concessions ? What answers do you like to give to these questions ? "

I will not be surprised *if* these and similar or such other questions are asked. These questions may appear to be cogent and reasonable. But to my mind these questions are so shallow that they have no depth, no reasoning and no wisdom behind them. Why is it that I say so? I say so because those who raise such questions *do not know the real reason and rationale behind Reservations* and other safeguards including the concessions and facilities. Let me, therefore, explain. For the purpose of understanding the reason and wisdom behind my suggestion that the safeguards and Reservation should be given to the Buddhists, let me give the historical background as *to whom and to which people* the Reservation and safeguards were originally intended to be given.

—— —

PART II

Reservation was not based on Religion :

I have maintained a proposition that the Reservation was not based on Religion. I have dealt with this point elaborately while dealing with the principle of social justice while considering the place, position and status of the Scheduled Castes in the Hindu Social system. I have mentioned there that, though the Untouchables or the Scheduled Castes " Observed the religious rites prevalent in the Hindu Community and recognised the sacred as well as the secular laws of the Hindus, celebrated the Hindu Festivities, and had the culture of the Hindu Community, they were compelled and obliged to live in a State of Isolation from the rest of the Community." They were in fact outside and beyond 'the pale' of the Hindu Community. Even though they were within the steel framework of the Hindu Social System they were treated for all theoritical and practical purposes as Exterior Castes meaning thereby *A-Varnas.*

A question may be raised as to why the facilities and concessions were given to the Scheduled Castes only ? I have got a very simple answer and the answer is that, *because they suffered from countless disabilities and difficulties,* they were given some special facilities and concessions. That this was the criteria and measurement adopted for the purpose of making Reservation and giving of safeguards and facilities even an ordinary mind will agree. That the *difficulties and disabilities* encounted by these people *were made a foundation for giving Reservations* and *safeguards* can be found out from the history of Reservations and safeguards itself. This is my explanation *as to why and to whom the Reservations* and *safeguards were given in the begining.* I, therefore, maintain *that the Religion was not the basis of giving Reservatien, facilities and concessions.* They were mainly and exclusively intended for those who suffered from difficulties and disabilities, on account of the factors of *Pollution and Isolation.*

What is the postion of Buddhists ?

We have already seen and studied the facts of life of the Buddhists Community. They continue to suffer as before from the countless disabilities and difficulties on account of those two factors. That even though they have changed their Religion and broken the shackles of the Institution of Untouchability, unfortunate as they are, they are treated in the same way as before, continue to suffer from disabilities and difficulties as before and are obliged and compelled to live in a state of insolation and segregation and are, therefore, beyond 'the pale' of the General community.' They are, therefore, quite powerless and 'miserable'.

Is it a wrong suggestion and a recommendation ?

It these are the facts of life, would it be wrong on my part if I am to suggest that the New Converts to Buddhism should be allowed to enjoy and derive all benefits and facilities under various Provisions of the Constitution of India which are mainly intended to establish political, Social and Economic DEMOCRACIES ?

PART - III

What is the foundation of the Suggestion?

A question may be asked :– " It is alright for the Maharashtra Government or for that matter, any other Government, to give facilities and concessions to the New Converts to Buddhism but will it not be considered to be simply a and an indulgence' shown by the Maharashtra Government to the New Converts to Buddhism ? How long, therefore, any Government can allow tl.is 'favour' and 'indulgence'?

I am aware of such a question raised and agitated upon ever since the Movement for Conversion to Buddhism was started. I must, therefore, give a positive answer for the purpose of resolving all doubts and controversies which may be raised in future in connection with the question of giving of Reservation and facilities to the New Converts to Buddhism. I must, also, give such an answer which would be in conformity with the principle of Social Justice and the Constitutional obligations. I have two grounds for my suggestions, namely :–

First, the ground of the principle of Social Justice and ;

Secondly, the ground of the Constitutional Obligations.

Reservation—The Historical Necessity :

It need not be mentioned that long before engrafting and incorporating the principles of Reservation in the Indian Constitution, Reservation in Government Sevices and Assemblies and also the giving of educational facilities were accepted both by the Central Government and the Provincial Governments.

STARTE COMMITTEE

The problem of " Depressed Classes " as is stated by the Starte Committee appointed by the Government of Bombay under an I. C. S. Officer. Mr. Starte in 1930 arises " Largely from the peculiar position they are made to occupy amongst the people. It is not easy to define exactly the position of this large body of people. Notwithstanding the fact that it has the culture of the Hindu Commnnity, notwithstanding the fact that it observes the religious rites prevalent in the Hindu Community, it recognises the sacred as well as the secular laws of the Hindus and celebrates the Hindu festivities, yet a mere touch of the Depressed Classes is held to cause *Pollution*; they were obliged to live in a state of *isolation* from the rest of the Community. "

From this quotation of the Report of the Starte Committee it can easily be seen that the Starte Committee thought that the problem of the " Depressed Classes " rested on two factors, namely, (I) the factor of *Pollution* and (II) the factor of *Isolation*. Because of these two factors, these classes suffered from innumerable difficulties and disabilities.

Social Justice :

The Depressed Classes as they were then called suffered from many disabilities and difficulties. The Starte Committee, therefore, suggested that these Classes should be given some special facilities, educational, economic including the reservation in the Recruitment to the Public Services. This suggestion was accepted in 1930 by the then Bombay Government.

Even though there was no Constitutional obligation and no political pressure, this suggestion to give special facilities by way of Reservation was *accepted* in 1934 even by the then India Government purely on the ground of the *Principles of Social Justice*.

To whom and to which People.

I would, however, go deep down to the *fundamental question and foundation* of the principle of Reservation. Having seen the Historical necessity of Reservation and of giving of special facilities and safeguards, the question still remains to be answered. *To whom* and *to which people* the Reservation and safeguards *were* given and *why* were they given to them ?

It may appear that I am simply repeating the same matter over and over again but let me explain that it is not my intention simply to repeat. I have raised this fundamental question for two reasons.

I have raised it, in the first place, *because it deals with the very basis and essense of the principles of Reservations.*

I have raised it, in the second place, because I want to go to the *very basic question* to very root of the matter as to why some of the Articles and the " Special Provisions " of the Constitution of India were accepted and engrafted in the Constitution itself for the purpose of keeping Reservation and giving some special facilities and concessions.

CHAPTER – IV

Basis of Solution - Foundation of Social Justice.

PART I.

The Genesis and Origin of Principles of Reservation.

I will now answer the first question first. I will go to the genesis and the origin of the Principles of Reservation. The question *as to why and to whom* it should be given was raised for the first time in its foundamental aspect by my Revered Leader Dr. B. R. Ambedkar in his Note of Dissent attached to the Report of the Simon Commission in 1927–28. In the Note of Dissent Dr. Babasaheb Ambedkar says, "There will be a general agreement that the needs of the minority for the political protection are commensurate with the *Power it has to protect itself in the Social struggle.* That power obviously depends upon the *educational status of the minorities.* The higher the educational and economic status of a minority, the less is the need for it being politically protected. On the other hand the *lower the educational and economic status of a minority, the greater will be the need for its palitical protection.*"

From the said *Note of Dissent* it will be quite clear and beyond any shadow of doubt that the Reservations and safeguards were given to those people–Castes, Communities or Minorities - call them what you like - who were *not in a position to protect themselves in the Social Struggle.* That *the power and abilities* of a particular community to *protect itself in the Social Struggle was the criterion and the test* applied and taken into consideration for the purpose of giving Reservations and Safeguards, it so clear and obvious that it requires no further explanation and elucidation. That the fact of ability to protect oneself in the Social Struggle is the foundation of Reservations, I am sure, none will dispute and none will challenge. For the purpose of judging whether that power and ability to protect itself in the Social Struggle was possessed by a particular community or not, three factors were taken consideration. They were :

I. The Educational Status;

II. The Social Status ; and

III. The Economic Status of a particular Community.

That this is the genesis and origin of the Reservations is a historical fact, which only the ignorant and the knave will deny and challenge.

What do we find from this discussion? We find from this discussion that he Reservation and facilities were given .

1. To the Community which was powelress, helpless, hapless *to protect itself in the social Struggle* · *and*

2. To the community whose educational, economic and Social *status and position* was so backward and low, that *it was quite helpless* and hapless to protect itself in the *struggle for existence.*

It will, therefore, be seen that two criteria, namely :

1. Inability to protect in the Social struggle, and

2. *The backwardness* Educational, Economic and Social and the status and position *was made the foundation of the principle of SocialJustice.*

CONCLUSION—

What is the status and position af the New converts to Buddhism ?

It will further be clear that on the ground of both these criteria or tests namely.—

I) Inability to protect in the Social struggle; and

II) The backwardness, Educational, Economic and Social status and position, the *principles of* Social Justice ought to be *made applicable to the New Converts to Buddhism.*

I, therefore ,conclude that on both these criteria mentioned above and also the principle of Social Justice, these New Converts to Buddhism are entitled to Reservations and safeguards, concessions and facilities which they enjoyed before their Conversion, I hope that no sane and sensible man will resist or dispute the demand for the extension of the Reservation and safeguards, Concessions and facilities to the New Converts to Buddhism on the ground of the principle of Social Justice.

Basis of Solution
The Constitutional Foundation of Suggestion.

PART-II

What is the Constitutional Position ?

Having heard my argument that the principle of Social Justice is the foundation of my suggestion of granting of the special facilities to the Buddhists, it may be argued against me that "It is alright to talk of Social Justice and all sorts of moral obligations for making Reservation and giving facilities in favour of the New Converts to Buddhism. But is there any Constitutional and legal obligation imposed on the State to make any reservation to these people ? Is there any Constitutional Obligation ? Is there any Constitutional foundation for making a suggestion that the Reservations and facilities should be declared in favour of the the New Converts to Buddhism ? What is the answer and what is the explanation ? " I am aware of the fact that such and similar counter questions may be raised against my suggestion to silence it and if not to destroy it. I must, therefore, explain as to what the Constitutional position is at the basis of my suggestions.

REASON AND RATIONALE OF RESERVATION
A - POLITICAL PHILOSOPHY
DEMOCRACY - A RULE BY CONSENT:

We have accepted Democracy as the basis of the New Indian Society. *Democracy is a Rule based on the cosnent of the governed and not on their coercion.* The core and kernel of Democracy is that the consent of the people must be reflected in all the functions of the State. What is the reason? The reason is that the modern State is a *functional State.*

We have heard of the slogan raised by the English people against the arbitrary and absolute power and authority of their Kings. The English people raised the slogan that "There could be no taxation and no legislation without the consent of the people."

We have read the history of the Constitutional struggle of the English people for their rights and privileges against the Prerogatives of the King. Ever since the English people won the battle for their rights and priveleges against their kings, the principle that (i) there can be no legislation, (ii) no taxation and (iii) no administrative action without the consent of the people, has become the ruling passion of all the peoples of the World. In fact, this principle has become the fundamental bulwark of Democracy. As to how to give a prominent place of pride to this princi-

ple in political and Constitutional structure of our country was a question haunting the minds of the political and religious thinkers both of India and England. This was so, because our country is inhabited by persons belonging to different castes and creeds, professing different faiths and religions and having different place, position and status in the Society. In other words, there was graded inequality among them. There was also the bafling problem of the "Untouchables" who were 'denied' the rights and privileges, social, political, religious and economic. In order to enable those who were denied rights and privileges, the necesssity was felt and was accepted to give such people special representation by way of giving reservation and safeguards so that they can raise themselves in the Socil scale to enable them *(a) to give their consent to the Democratic Rule and (b) to take part in the Administration of the Country.*

B-SOCIAL PHILOSOPHY.

People Divided by the Caste System

We have accepted Democracy both as a form of a Government and a way of life When we talk of the consent of the people, we talk of the 'people' as one unit inhabiting a particular territory, however diverse they may be, 'by the community of interest and purpose, by the loyalty to the public ends and mutuality of sympathy'. They must have some common social, political and economic and cultural bonds to keep them together. But when we find a Society in which some communities are much advanced as they alone are in a position to enjoy the benefits and blessings of life in equal proportion. But when we find a Society divided by different strata such as the Indian Society where there are :—

(i) Some Communities which are so advanced that they alone are in a position to enjoy all the benefits and joys of life,

(ii) Some Communities are so backward that because of their Backwardness, they are not in a position to enjoy the benefits of life and joys of life; and

(iii) Where there are also some communities which are not only 'denied', but 'forbidden' to anjoy the benefits and blessings of life, then, a baffling problem for Democracy arises.

Under such circumstances the question, therefore, arises as to what should be done, what special methods and measures should be devised to remove those 'denials' and 'prohibitions'. In other words, the problem arises as to what should be done, what Constitutional devices and mechanism should be adopted so that such 'forbidden' Communities can so raise themselves as to able to enjoy the

benefits and blessings of life as human beings. In fact, under such circumstances, a problem for humanity itself arises. Nay, under such conditions a problem then becomes a problem of problems. The basic problem, therefore, then, becomes under such circumstances, as to how [to make such communities *self-concious* and also how to make them undersand *human values such as Self respect and Self-reliance.* A further problem, then, for Democracy arises as to how their wishes, desires, aspirations and ambitions could be made to reflect in every piece of the Legislation, the Executive and the Administrative actions. In simple language, as to how their free consent be obtained and reflected in the Legislative, Executive and Administrative actions, becomes both a political and social problem.

In order to meet such a situation, Dr. Ambedkar had, while speaking on the Budget on February 1927 in the Bombay Legislative Council, suggested and argued, "If all these Communities are to be brought to the level of equality, then, the only remedy is to adopt the principle of inequality and to give favoured treatment to those who are below the level". This is exactly the reason why special device(by way of giving of special concessions and facilities, Reservations and safeguards, were accepted and incorporated in the Constitutional Scheme of the Country.

C—PHILOSOPHY OF FUNDAMENTAL RIGHTS:

In Indiam, an individual was never 'a primary unit' of the Indian Social System The 'Caste' was and has been the 'Primary unit' of the Indian Society. However, great an individual might be, he had no separate entity and existence apart from the Caste to which he belonged. An individual had no rights as against his Caste, The individual was a non-entity both against his Caste and against the Society in which he is born.

As a result of this aspect of the Social System there have been glaring social, economic, and political inequalities between Caste and Caste and also in between man and man. Because of such a social structure, the position of the Untouchable had become worse than animals. They had no rights whatever. They had no values even as human beings. How to do away with this perniciros, nay, venomous position was a problem that was engaging and agitating the minds of Great Minds of this country. Mahatma Phule was the first to do some radical spade work in this direction. There were many others who followed after him in the field Mahatma Gandhiji was conspicuous in this field. Dr. Babasaheb Ambedkar had, therefore, to start an Emancipation Movement of the Untouchables of the Country. He had, therefore, to lead the Revolt against the Indian Social System. It will not be out of place to quote what Dr. Babasaheb said in this connection presiding over a Conference of the Depressed Classes Congress on 8th August 1930 at Nagpur. Dr. Babasaheb said "It is only in a

Swaraj' Constitution that you (untouchables) stand any chance of getting political power in your hands without which you cannot bring salvation to our people". He further continued to say that the Movement started by him "will result in the emancipation of our people and the establishment of such a state of society in this country of ours in which one man will have one value in all domains of life. political, social and economic". How Dr. Ambedkar translated in actual practice his dream of establishing a society in which 'one man must have one value in domains of life, political, social and economic' can be seen at the time of framing of the Indian Constitution. When the Constitution of India was framed this philosophy of fundamental rights was not only engrafted but enshrined in the Constitution itself to establish a society in which 'one man must have one value in domains of life, political, social and economic'. The Constitution, therefore, granted and guaranteed certain fundamental rights in the Part III of the Constitution and enunciated some more principles of the philosophy of the fundamental rights such as right to work, to education, to economic equality etc. are incorporated in the "Directive Principles of the State Policy" in Part IV, giving mandates and directions or instructions to those who would occupy the seat of power and authority to implement them in actual life of the people.

The Indian Constitution not only has accepted the philosophy of foundamentsl rights; but has created a very powerful State as the central authority over and above the authority of the Caste and the Indian Social system, The State, as an instrument of coercion has been considered and determined in the Constitution itself as a powerful instruments of changing the Indian Society itself. In other words the Constitution of India has accepted a new principle which says that the State should be a means for the development of an individual irrespective of the Caste or Religion to which he belongs and further, that under no circumstances either State or a Caste shall have power to suppress and coerce any individual.

In other words, the Constitution has recognised that an individual should be 'the primary unit' of the Society and the State should create conditions so that individual can find himself at his best. The Constitutiion has, therefore, enshrined in itself the principles of the EQUALITY, LIBERTY, and FRATERNITY.

D—PHILOSOPHY OF OPPORTUNITY

But the Founding Fathers of the Indian Constitution were not oblivious of the fact that all persons were not equal in the sense that., since their place. position and status in the Society was determined by the Caste to which he belonged, there were, therefore, glaring inequalities in between Castes and Castes and in between individual and individual. The Founding Fathers had further taken note of the fact that, since a sizeable and a definite body of the people

suffer from vast array of disabilities anddifficulties on account of their place, position and status in the Indian Society, these people were unable to enjoy the benefits and blessings of life on account of those disabilities and disadvantages. The Framers of the Indian Constitution, therefore, hand to think of giving of special concessions and facilities, weightage and privileges over and above those given to the General community. In other words, the Scale of Social justice, Political justice and Economic justice was allowed to tilt in favour of these people very much against the desire of the General community. The principles of social, political and economic justice were sought to be made applicable to them by incorporating the 'Special Provisions' in the XVIth Part of the Constitution itself. In short, the Philosophy of Opportunity has been made the foundation of the 'Special Provisions' of the Constitution in order that these people could get more opportunity in the whole of the domain of life. political, Social and economic, over and above other persons belonging to the General Community. The special concessions and facilities, Reservations and Safeguards were, therefore. incorporated in these 'Special Provisions' of the Constitution.

Let me make one point clear. The Reservation was meant to be only a means for the development and advancement of the down-trodden people of this country. It will, therefore, be seen that reservation and safeguards, facilities and conecessions are only a weapon given in the hands of these people to break the social barrier so that these people can stand on their own legs and be able to fight and survive in the struggle for social life and existence. In short, in order that these people can find their representation in the Legislature, in the Executive and in the Administration which is the machinery of the Government, the Special Provisions with the help of Article 46, 15 (4) and 16 (4) are incorporated in the Constitution itself. The "special Provisions" are extraordinary means and methods, devices and mechanism sought to be incorporated in the Indian Constitution.

I have taken pains to explain this position and repeated it at adnauseum betause there is a tendency found in some of the quarters to accept only the theory of Fundamental Rights incorporated in the Constitution, and reject the principles of Reservation incorporated in the Special Provisions and the Articles 46, 15(4) and 16(4).

I need not mention here the rule of interpretation that if we want to accept the Constitution, we must accept it in toto. We cannot accept one part of it which deals with the theory of Fundamental Rights and reject the second part which deals with Special Provisions along with Articles 46, 15(4) and 16 (4) of the Constitution.

It requires no separate mentioning that since we have accepted Democracy both as a form of Goverment and a way of life according to the written Constitution, we have engrafted in the Constitution itself the principles of Social, Political and Economic justice.

CHAPTER-V

Constitutional Provisions

PART-I

ARTICLES OF CONSTITUTION

Having seen and studied the principles of Political and Social Justice which are at the basis of giving of special facilities and concessions, Reservations and safeguards, let us now go to the the Constitutional Provisions themselves which incorporate the same principles of social, political and economic justice.

The Article 46 of the Constitution

Let us refer first to the Article 46 and see as to why it is engrafted in the Constitution of India. In other words, let us find out the genesis and the origin of the fundamental principle underlying the Article 46 of the Constitution. In order to understand the genesis of the principle accepted under the Article 46, let us read this Article itself. It reads as follows :-

> "The State shall promote with special care the *Educational* and *Economic* interest of WEAKER *SECTION* of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall *Protect them* from *Social injustice* and all froms of *exploitation.*"

Let us now analyse the Article. What do we find ? We find :-

(1) That it speaks of the *PROTECTION.*

(2) That it speaks of the protection of *WEAKER SECTIONS* of the people.

(3) That it speaks more particularly of the Scheduled Castes and Scheduled Tribes.

(4) That it speaks of the *Protection from* all the *SOCIAL INJUSTICE.*

(5) That it speaks of the protection from all *FORMS OF EXPLOITATION.*

In other words, it speaks of the *protection of the Weaker Section,* from Social injustice and exploitation in any form or shape, economic, social, political and religious. It would be of some interest to the students of the Constitutional Law to know that no where in the Constitution of any other country we find such

or similar provision or even analogous provision as is found in the Indian Constitution except in the Constitution of Burma, 1948.

"The *Article 35 of the* Constitution of Burma speaks as follows:-

"The State shall promote with special care the *Educational* and *Economic interest* of the *Weaker* and less *advanced section*, of the people and shall *protect them from social* injustice and all forms of exploitation."

WHAT IS THE DIFFERENCE BETWEEN THE TWO ?

Now let us find out as to what difference is in between the "Protection Clause" of the Article 46 of the Indian Constitution and the Article 35 of the Burmese Constitution. A careful study will reveal that there is no difference at all between these two "Protection Clauses" found in these two Constitutions. The study of these two Protection Clauses further disclose complete unanimity and uniformity. It will be clear to all that these two clauses speak with *one Voice* and with *one mind.*

Except the Constitutions of these two countries—India and Burma - no other Constitution in the World speaks of the *Protection of the weaker and less advanced people from Social injustice and all forms of exploitation.* But why such provision is incorporated in the Constitution itself? Let us find out the background.

WHAT MUST BE REASON?

It is really very interesting and instructive to find out the reason and the background as to why there is complete unanimity and inlformity in between the Clauses of these two Constitutions. Why is it so? There are two reasons, namely, (1) The Personality of Dr. Ambedkar and (2) The Mission of the life of Dr. Ambedkar.

I.—Personality of Dr. B. R. Ambedkar :-

The first contributing factor is of the personality of Dr. Ambedkar.

(1) That it was Dr. Babasaheb Ambedkar who drafted the said Note of Dissent appended to the Report of the Simon Commission, we have already seen. In other words, it was Dr. Babasaheb who was the author of the Note of Dissent prepared and appended to the Simon Commission Report in 1927 and, therefore, as the propounder of the principle of Social Justice he has incorporated the same principle in the Constitution of India.

(2) That it was Dr. Babasaheb Ambedkar who was the main Architect and the author of the Constitution of India. He therefore, saw to it that the principle of Social Justice is incorporated in the Constitution of India.

(3) That it was Dr. B. N. Rao who was the Constitutional Advisor to the DRAFTING COMMITTEES both of the Indian and Burmese Constitutions.

I need not, therefore, emphasize that it must have been the Master mind of Dr. Babasaheb Ambedkar, who was also the Master Artist and Architect of the Constitution of India, which is completely and throughly reflected in the "Protection Clauses" of the Constitution of India and Burma. It is, therefore, clear that the powerful personality of Dr. Babasaheb who had the emancipation and liberation of the "Untouchables" as the Mission of his life, must have created a powerful impact and imprint on the Article 46 itself.

II—IMPACT OF CIRCUMSTANCES

The second contributing factor for the unanimity and uniformity in the "Protection Clauses" is the impact of circumstances. There was the "Protection" Clause incorporated by Dr. Babasaheb in his Note of Dissent. The reason is so obvious and so clear that it needs no explanation. But if any explanation is needed, let us study the following circumstances :—

Mission of the Life of Dr. Babasaheb Ambedkar :-

Dr. Babasaheb Ambedkar whose Mission of life was to emancipate and liberate his people, wanted to make efforts to get some special means, weapons and devices in the shape and form of Reservations and Safeguards, concession and facilities for his people to enable them to protect themselves in the Social Struggle. As to what were his efforts and endeavours is a matter of historical interest and importance with which the time and space will not permit me to deal. It is for a student of History to investigate and to research, because it is a matter for a separate thesis. It is enough for my purpose to mention here that Dr. Babasaheb Ambedkar not only pleaded for the *acceptance* of the "Protection Clause" at the time of framing of the Indian Constitution, but made supreme efforts even in 1928-29 not only for its enunciation but for its recognition and incorporation in the future Constitutional framework by the then British Rulers. When the task of framing the Constitution was entrusted to him by no less personalities than Mahatma Gandhi and Pandit Nehru, it was, but natural for Dr. Babasaheb to take this opportunity to engraft and incorporate the "Protection Clause" in the Constitution of India itself. We find this Clause, therefore, reflected in the Article 46 the Indian Constitution.

Dr. Babasaheb wanted the "Protection Clause" to be accepted and incorporated in the future Constitution of India, because he found that the Untouchables or the Depressed Class, as they were then called, were *Powerless*

and helpless to protect themselves in the Social struggle. He found that because of the place, position and status, social, ecnomic and political of his people, as they were so hopelessly backward that they were powerless and helpless to *Protect* themselves in the Social struggle in 1927–28.

Was there any change in 1948 - 49?

Was there any change in the place, position and status, educational, economic or social at the time when the Constitution of India was being framed? To understand and appreciate this question let us again read the Article 46 itself. It speaks of :—

(1) the protection from Social injustice and exploitation,

(2) of the Scheduled Castes and the Scheduled Tribes, and;

(3) of the other weaker Sections of the people, besides the Scheduled Castes and the Scheduled Tribes.

From reading of this Protection Clause, what is the inference that we can draw? The only inference that we can draw is that there are some weaker Sections of the people and in particular the Scheduled Castes and the Scheduled Castes and the Scheduled Tribes who are so powerless and helpless that—

(1) They are *no* in a position to *protect* themselves *in the Social Struggle;* and

(2) They, therefore, require Special protection from *Social injustice and exploitation,*
social, religious and economic.

This discussion will clearly reveal as to why there is complete unanimity and uniformity in between these "Protection Clauses". This unanimity and uniformity will further reveal as to:

(1) Why the Article 46 is engrafted in the Constitution of India, and

(2) What is the genesis and origin of the fundamental principle underlying the Article 46.

The origin and genesis of the Article 46 will clearly show that this "Protection" clause is engrafted for the purpose of :

I. Giving protection to the weaker Section of the people :—

II. Who are in need of protection from Social injustice and exploitation; and

III. Which people are powerless and helpless to protect themselves *in the struggle for life and existence.*

That the New Converts to Buddhism are quite powerless and helpless to protect themselves in the Struggle for life and existence, is now beyond suspicion. Because we have already seen aud studied as to what difficulties and disabilities they suffer and encounter on account of their position and status in the Indian Social System even after their Conversion. They are completely and hopelessly powerless to protect themselves in the Social Struggle. *They, therefore, need protection from Social injustice and exploitation.* It is, therefore, clear that the Article 46 and principles underlying it must be completely and fully made applicable to them.

What is the Conclusion

The conclusion of this discussion is that under the Article 46, a Constitutional duty and an oblingation is thrown on the State to make provision for Reservation, and safeguards, Concession and special facilities for these New Converts as is done in the case of tne Scheduled Castes and Scheduled Tribes. Because, since there is no change whatsoever in between the place, position and status of the New Converts to Budbhism and that of the Scheduled Castes and Scheduled Tribes, both these Communities should be treated on the same base and between the same parallels in the matter of giving of facilities and concessions to them under the Constitution of India.

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PART II

C - The Directive Principles - Their Unique Place

By reading my arguments that the State is under the Constitutional Obligation to make Reservations, Political, Social, Economic and Educational, in favour of the New Converts to Buddhism, an objection is bound to be raised. It may be objected that I have taken shelter and based my arguments for seeking the Reservations and safeguards, Concessions and facilities for these people under the Article 46 of the Constitution. An objector may further argue : "What is the use of talking of Article 46 which is not *JUSTICIABLE ?* In fact, the whole Chapter on the Directive Principles deals only with the State policy and that none of the Articles from the Chapter of the Directive Principles is justiciable ? How can we, therefore, suggest that the STATE IS under the Constitutional obligation under Article 46 or for that matter under any article from this Chapter, to make reservation and give facilities in favour of the New Converts to Buddhism ?" I can quite understand the basis of such an objection, if taken. But let me make my position clear. I am taking my stand on the Constitutional principle at the base of which there is the Principle of Social Justice. I am not taking any shelter under any flimsy grounds My stand is, moreover, based on the firmer and solid ground of the Constitutional Provisions to which I shall presently refer.

But before I go to those Constitutional provisions, let me make one point clear as to the place and position, the scope and the purpose of the Directive Principles under the Constitution of India.

Scope and purpose of the Directive Principles :

What is the scope of these Directive Principles under the Constitution ? It has been often said and repeated *ad nauseum* that the Directive Principles are not justiciable. I do not want to dwell at length on the importance of the scope and purpose of the Directive Principles. But I must explain their real place in the Constitutional Scheme accepted by our Country.

Views of Dr. Ambedkar

I will simply quote Dr. Babasaheb Ambedkar to describe the place of these Directive Principles when he said; "The Directive Principles are the *"Instruments of Instructions"* given to the men in power and authority". In fact, he warned that whoever captured power would not be free to do what he liked with them. In exercising of those powers, he must respect these *"Instruments of Instructions"* which are called "Directive principles". In view of the expression of such weighty

view of Dr. Babasaheb Ambedkar, can it be seriously suggested that the "Directives" have no utility and no value? If need be I would give the words of Dr. Ambedkar again :-

> He said
>
> "In enacting this part of the Constitution, the Assembly is giving certain *directions* to the Legislature and the future Executive to show in what manner they are to exercise the legislative and the executive power they will have. Surely it is not the intention to introduce this Part these principles as mere pious declarations. It is the intention of the Assembly that in future both the legislature and the executive should not merely pay lip-service to these principles but that they should be made the basis of all legislative and executive action that they may be taking thereafter in the matter of the governance of the country."
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> (C. A. D. Vol VII. PAGE 476)

This is the evlauation of the Directive Principles made by no less a person than Dr. Babasaheb Ambedkar who was himself the main Architect of the Constitution of India. Can we brush aside his views as of no significance and no consequence ?

The Supreme Court

I need not cite here different cases decided by the Supreme Court in which cases it has given its own evaluation of the Directive Principles. Under the able Leadership of the Chief Justice Shri P. B. Gajendragadkar, our Supreme Court has, in fact, helped and aided implementation of the Directive Principles in a substantial manner in different cases dealing with social, economic and political justice.

Unique and Singular Position

Limited as my knowledge is, I am of the opinion as a Student of the Constitutional Law that these Directive Principles occupy very unique and singular position in our Constitution the parallel of which we find in no other Constitution, except the Constitution of Ireland. In fact, the unique nature of the Directive Principles has made a new contribution to the Science of Government as the Federal Principle under the American Constitution and as the sovereignty of Parliament under the Constitution of the United Kingdom have done. Let us, therefore, not treat these Directive Principles light-heartedly and dismiss them contemptuously, saying that these Directive Principles are not justiciable. In view of this position, can we ignore the Article 46 as is of no consequence and of no significance ?

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By reading my arguments that the State is under the Constitutional Obligation to make Reservations, Political, Social, Economic and Educational, in favour of the New Converts to Buddhism, an objection is bound to be raised. It may be objected that I have taken shelter and based my arguments for seeking the Reservations and safeguards, Concessions and facilities for these people under the Article 46 of the Constitution. An objector may further argue : "What is the use of talking of Article 46 which is not *JUSTICIABLE ?* In fact, the whole Chapter on the Directive Principles deals only with the State policy and that none of the Articles from the Chapter of the Directive Principles is justiciable ? How can we, therefore, suggest that the STATE IS under the Constitutional obligation under Article 46 or for that matter under any article from this Chapter, to make reservation and give facilities in favour of the New Converts to Buddhism ?" I can quite understand the basis of such an objection, if taken. But let me make my position clear. I am taking my stand on the Constitutional principle at the base of which there is the Principle of Social Justice. I am not taking any shelter under any flimsy grounds My stand is, moreover, based on the firmer and solid ground of the Constitutional Provisions to which I shall presently refer.

But before I go to those Constitutional provisions, let me make one point clear as to the place and position, the scope and the purpose of the Directive Principles under the Constitution of India.

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PART-III

Other Provisions-Foundation of my Proposition

I would now deal with the Constitutional Provisions under which the State is under the Constitutional obligation to make Reservation and safeguards in favour of the New Converts to Buddhism. In order to remove all doubts, I shall cite the Articles 46, 15 (4), 16 (4), 330 and 335 in support of my proposition.

(1) Article 46: This Article speaks of:

i) the giving of the protection to the weaker sections of the people from the Social injustice and exploitation in any shape or form.

ii) It also speaks of *Promoting* "with a special care the educational and economic interest of the weaker sections of the people.

(2) Article 15 (4) speaks that it would be open to the State to make special psovisions for the advancement of any socially and educationally Backward Classes of Citizens or for the Scheduled Castes and Scheduled Tribes.

What proposition of the Constitutional obligation these two Articles lay down? The reading of these two Articles clearly and unambiguously lay down the following propositions:

That the State shall make special provisions for the promotion and advancement of any socially and educationally backward classes of citizens or weaker Sections of the people or for the Scheduled Castes and Scheduled Tribes.

In other words both these articles speaks of:

(1) the exercise of power and authority not only inherent but implied and specifically vested in the State under these two Articles of the Constitution of India, and

(2) such an exercise of power and authority shall not be construed and considered as the exercise of power discriminating against any other citizen who does not belong to the socially and educationally backward classes of citizens and to the Scheduled Castes and Scheduled Tribes Communities.

What is the similarity between these two Articles :

Following are the points of similarity :–

1. The Article 46 uses, the words "*Special care*" and the Article 15 (4) uses the word "*Special provision*".

2. The Article 46 uses the words "*Educational and Economic Interest of the Weaker Section.*"

   The Article 15 (4) uses the words "*advancement of socially and educationally Backward Classes of citizens.*

What is the difference between them?

1. Article 46 speaks of giving of a direction to the State. The Article 15 (4) speaks of the fundamental rights of the citizens and the *exercise of power and authority* by the State, given to it under the *Constitution itself* in favour of the socially and economically backward class of citizent.

2. The Article 46 uses the word "promote", the Article 15 (4) uses the words "for the advancement".

3. The Article 46 speaks of *weaker sections* of the people.
   The Article 15 (4) speaks of socially and economically *Backward Classes of Citizens*.

4. Article 46 speaks of giving of direction to *protect* from Social injustice and exploitation. Article 15 (4) speaks of the positive *exercise of powers for advancement* of these classes of people under the theory of the Fundamental Rights.

What is the sum total effect of the points of similarities and dissimilarities :–

Whatever may be the points of difference in between them, there is greater and more similarity than dissimilarity in between them. Because of the similarity both of them lay down one and the only one proposition and that is, that "The State shall promote with special care, the educational and economic interest of the weaker sections of the people and will exercise its power and authority in making special provisions for the advancement of any socially and economically backward classes of citizens, and the Scheduled Caste and and Scheduled Tribes." That this is the proposition we derive from the reading of these two articles, none will deny and none will challenge.

Article 16 (4)

The Article 16 (4) speaks of the exercise of the power and authrity by the State for "making any provision for the Reservation of appointments or posts in favour of *any of backward class of citizens* which is not adequately represented in the services under the State." In fact it speaks, in the first place, of the fundamental right given to the citizens of India and of (1) the exercise of power and authority not only inherent but specifically given to the State under the "Special Provisions" of the Part XVI of the Constitution of India, which speaks of special concession and facilities, political and economic including taking into consideration the claims of these classes to the public services and posts and, in the second place, it speaks that (2) such exercise of power and authority in favour of these classes of people shall not be construed and considered as the exercise of power discriminating in between a citizen and a citizen. In other words, it lays down the Provision for making provisions for Reservation in appointments and posts for the purpose of giving representation in the Public Services in favour of any backward class of citizens.

What is the difference beween Article 15 (4) and 16 (4)

Both belong to the category of the fundamental rights of citizens whether advanced or Backward. But to show that there is some difference in between them, I want to advance two points namely :—

1. To my mind, the first difference appears to be that while the Article 15 (4) speaks of the exercise of power by the State in making of special provision *for the advancement* of any socially and educationally backward class of citizens for the Scheduled Castes and Schedul d Tribes, the Article 16 (4) also speaks of the exercise of powers by the State for the purpose of *making provision for Reservation*, in public services for the adequate representation of any backward class of citizens.

2. The second difference appears to be that while the Article 46 adds the words "the Scheduled Castes and Scheduled Tribes" to the word "Weaker Section of the people" and the "the Article 15 (4) uses the words "any socially backward classses of citizens" for the purpose of promotion and advancement of educational and economic interest of the educationally and economically backward classes of citizens or weaker sections of the people, the Article 16 (4) does not, anywhere in its body, use the words "The Scheduled Castes and Scheduled Tribes" for the purpose of making Reservation for adequate representation in the Services. It speaks of "any backward class citizen ' which is the idea incorporated in the Article 46.

Why is it so ?

Why does the Article 16 (4) not make any mention of "the Schedulee Castes and Scheduled Tribes" for the purpose of Reservation and adequatere presentation? The reason is quite clear. The reason is, that the Article 335 makes a mention of 'taking into consideration the claims of the Scheduled CASTES AND Scheduled Tribes at the time of making of appointment in the public Services.'

If this is the position we derive after reading these Aricles, a knotty problem for consideration arises. The problem for consideration, therefore, is whether the Articles 46, 15 (4), 16 (4), on the one hand and the Articles 330 & 335 on the other, are mutually inclusive and collectively exhaustive or all of them are collectively exhaustive but mutually exclusive. What is the answer ? To my mind and according to my judgement, the Articles 330 and 335 are not mutually exclusive or antagonistic to the Articles 46, 15 (4) and 16 (4). But all of them are mutually in agreement in accepting the principle of the Reservation for adequate representation in the legislature and in the Public Service, etc. for these Classes who are economically and Socially backward Class of citizens or weaker Section of the people or Scheduled Castes and Scheduled Tribes.

CHAPTER-VI

New Converts - Weaker Sections

PART-I

Meaning of the term "Backward Classes

Let us, therefore, try to understand the definition of the term Educationally and Socially backward Classes of the CITIZENS".

"What is meant by" "Backward Classes?" Let me at the outset make one point clear, namely' that word "backward class" is no where defined in the Constitution of India. But its meaning and connotation is now clearly and amply determined. Even though it is used in various and different Articles of the Constitution of India they lead to the same conclusion and express the same intention. But some of the Students of the Constitution assign various meaning to the word *"Backward Classes"*. The following are the meanings assigned to the word :-

I) Our Late Prime Minister, Pandit Nehru observed that "Socially backward classes include economically backward classes " (Basu on the Constitution of India-Commentary Vol-I Page 469)

II) "Backward Classes" means the Weaker Section of the people including the Scheduled Castes and Scheduled Tribes (Dr. Babasaheb Ambedkar's speech made in Parliament on 12-5-1951)

Because of these various meanings, it may appear that there is a chaos and confusion as to the real meaning of the word backward classes. But now that confusion and chaos is removed and the meanings of these terms are determined by usage, custom and constant use which express the same meaning with the same import.

Meaning of the Weaker Section

If there is still doubt that the *weaker sections* of the people whose interests are contemplated to be promoted under the Article 46 and the New Converts to Buddhism are one and the same people and that they should, therefore, be treated on par with the Scheduled Castes and the Scheduled tribes for the purpose of granting material benefits and advantages in the shape and form of grant of

concessions and facilities, reservations and in matters political, economic, social and educational, let me read aloud the Article 46, and the sub-clause (b) of the Clause (2) and the Explanation II under the Article 25 of the Constitution and the Articles 335 and 16 (4). I need not repeat that the Article 25 is the Part of III of the Constitution of India which enshrines the theory of the fundamental rights.

(1) The Article 46 speaks of *promoting* with apecial care the *educational* and *economic interests* of the weaker Sections of the people, and in particular of the Scheduled castes and the Scheduled Tribes and shall protect them from *social injustice* and *all forms of exploitation*.

(2) The Articles 25 Clause (2) reads as follows :
"Nothing in this article shall *affect* the operation of any existing law or *prevent* the State *from making any law*.

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice,

(b) *Providing* for *Social Welfare and reform* or throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I : ....

Explanation II : In sub-clause (b) of Clause (2) the reference to Hindus shall be construed as including a reference to persons professing the Sikhs, Jain or Buddhist religion, and reference to Hindu religious institutions shall be construed accordingly.

Why is it that I have referred to these two Articles? The reason is that while the Article 25 falls to the domain of the fundamental rights, the Article 46 is part of the "Directive Principles." And yet there is so much intimate connection in between them, nay, they are so much inter related to each other that they refer to the one and the same thing and have the same import and connotation.

For the purpose of understanding the connection in between the Article 25 and the Article 46, we have to take into consideration the definition of the term "Right". 'Right' is defined by Samond in his Jurisprudence as "an interest recognised and protected by the rule of Law". The Article 25 speaks of the fundamental rights, meaning thereby the State, under the Indian Constitution, has recognised and must, therefore, protect certain rights of the citizens. Article.46, as a part of the Directive Principles gives a direction or an instruction to the

State that it "shall promote with special care the educational and economic interests of the weaker sections of the people". This clearly means that the Article 46 speaks of the right of the weaker sections of the people for the purpose of promoting with special care its educational and economic interests. Turning to the Article 25, what do we see? The article 25 sub-clause (b) of the clause 2 defines the scope and the field of the exercise of the law-making power of providing for *Social welfare* and *reform* or the throwing open of Hindu religious institutions of a pu lic character to all classes or sections of the Hindus. In other words, the words 'Providing for *social welfare and reform*' in this Article and the words 'promoting with special care the educational and economic interests of the weaker sections of the people' in the Article 46 are so akin that they mean one and the same thing. They speak, in short, of the right of the weaker sections of the people for social welfare and reform and that too by promoting with special care the educational and economic interests of the weaker sections. If still there is any doubt as to whether there is any connection in between" the weaker sections of the people and the New Converts to Buddhism," let us read the explanation II under Article 25 which speaks that for the puspose of 'providing for Social Welfare and Reform the reference to Hindus shall be construed including a reference to persons professing the Sikh, the Jain or the Buddhist religion. In simple language, Article 25 read with 46 bestows rights on the weaker sections of the People for the promotion of their economic and educational as well as social welfare.

Since India professes to be the Welfare and the Secular State, it is the duty of the State to create and to guarantee the conditions for the welfare of the New Converts to Buddhism so that they can stand on par with others in the social struggle and the struggle for existence. If we read articles 25, 46, 330, 335 and 15 (4) and 16 (4), we shall have to come to one and the only one conclusion that the New Converts to Buddhism must be entitled to all concessions and facilities reservations and safeguards adumbrated in the Constitution itself.

PART-II

New Converts are Weaker Sections

Reading my conclusion, a counter question is bound to be raised. It may be in the following terms:—

> "Are the terms 'Weaker Section of the people', "The socially and educationally backward Classes of citizens', and "The Scheduled Castes and the Scheduled Tribes" mean one and the same peoples. What is the answer?

To my mind these terms are not mutually exclusive. According to my study and understanding *these terms mean one and the same thing*. All these terms speak the same language and express the same sense and intention, for the purpose of making reservation and giving of facilities political, educational, Social and economic. My reason is, that we must not forget for the purpose of understanding this Constitutional principle of the fundamental importance underlying the Protection Clause the Article 46 and of the Special Provisions of Constitution.

A doubt may be raised as to what is the basis for such an inference. This doubt could easily be resolved and removed if we can only study the meaning and the connotation of the terms " educationally and economically backward Clases of citizens, the Weaker Sections of the people" and the Scheduled Castes and Scheduled Tribes together. But what is the basis for my argument ?

CONCLUSION

Let me quote Dr. Babasaheb Ambedkar as to the meaning of the word "Weaker Section" and "Backward Class". According to Dr. Babasaheb Ambedker weaker sections meant the Backward Classes and such other classes *who were for the moment "unable to stand on their own feet"*. This means that *test of "ability or inability to stand on their* feet", or *the powerlessness or inability to protect in the Social Struggle"* is the test that should be applied to judge as to who are the Backward Classes or the weaker section of the People of our country.

NEW CONVERTS-THEIR POSITION

If we adopt the tests of " ability to stand on their own leg" and "ability to protect in the Social Struggle" it could easily and fittingly be applied to the New Converts to Buddhism who are not in a position to stand on their legs and are also not in a position to protect themselves in "the Social Struggle" for life and existence.

THE CONSTITUTIONAL OBLIGATION MUST BE FULFILLED

If this is the test, then it should be made applicable to these New Converts for the purpose of giving them the Reservation so that they can rise in the Social, Political and Economic Scale. Because of this Constitutional position obtainable under the Articles 46, 330, 335 and 15 (4) and 16 (4) that that they can rise in the Social, Political and Economic Scale, that I have advanced the proposition and made the suggestion in all seriousness to the effect that "the New Converts to Buddhism should be allowed to enjoy and to have all the benefits and advantages, concessions and facilities and the Reservasion, Social, Political, Economic and Educational, so that they can be the spear head of the *New Movement for creating conditions for the establishment of the New Indian Society based on the pr.nciples of Justice, Liberty, Equality and Fraternity,*—an ideal and a dream envisaged and adumbrated in the PREAMBLE of the Constitution of India.

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CHAPTER VII

The Reason and Wisdom Behind the Suggestion

I have raised a fundamental question that the facilities which were given to the New Converts to Buddhism before their conversion be extended to them because of their place, position and status which they occupy in the Indian Society even after their conversion. A question may be asked as to why I am demanding these facilities to them which are exclusively meant for the Scheduled Castes and the Scheduled Tribes and the Backward Classes.

PART - I

ANSWER DEPENDS ON TWO FACTORS

To give an answer to the question raised will depend on two factors :-

1) Firstly, whether there is any *realisation* of the fact *that some of the communities in India are 'denied' and 'prohibited'* even the ordinary necessaries of life and benefits of normal social and cultural life, by the social philosophy, norms, customs, usages and taboos accepted rightly or wrongly as the very foundation of the Indian Social System, and

2) Secondly, whether there is any existence in those who are in power and authority of a *desire arising out of the new awakening, new impact, political, educational and cultural to create conditions for such people to come up to the level* from where they can make a start along with others and get for themselves educational, political, economical and cultural benefits and blessings of life. If the Society has accepted certain basic principles and the fundamental values of life, then that Society must *without hestitation and without mental reservation, go to any extent to remove those difficulties and barriers* which come in the way of such communities who suffer from countless difficulties and disabilities for centuries together. *Such a society will brook no arguments, entertain no notions and tolerate no nonsense* which contribute, to the slightest degree, for the preservation of those barriers, which divide the Society into different water-tight compartments of the Caste System denying even certain basic human rights and values to some of its members. In order *to remove these* barriers, *we have accepted and engrafted some devices* in the Indian Constitution such as of giving of special concessions and facilities, reservations and

even safeguards in matters, political, educational and economic including the Reservation in the public services. These are reasons and rationale why we have accepted Reservationas means of *uplifting* the communities which suffer from countless disabilities and difficulties.

If we accept these principles of Social Justice and if we also accept that there is no change whatsoever in the place, position, status, fate and life of the New Converts to Buddhism even after their conversion from the Scheduled Caste, then, there will be no difficulties in accepting purely on the ground of the Priciples of Justice my suggestion for extending the facilities and concessions, reservations and safeguards, political, social and economic to the New Converts to Buddhism.

There is also another cogent and strong constitutional reason. Article 25 of the Indian Constitution, Sub-Clause (b) of the Clause (2) speaks of the power of the State to make law for the purpose of (i) the Social Welfare and (ii) the Social Reform. The Explanation II under this Article very clearly and specifically says :-

"In Sub-clause (b) of Clause (2) the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jain or Bubdhist religion."

It will, therefore, be clear that for the purpose of making a law for the Social Welfare and Social Reform, the New Convarts to Buddhism shall be treated on par with the Hindus. A question may be asked as to why the Sikhs, the Jains and the Buddhists are huddled together along with Hindus in the Article 25. The answer to this question is quite clear and obvious.

The Founding Fathers of the Constitution have taken into consideration the place, position and status of every individual in the Hindu Social System for the purpose of bestowing on him the fundamental Rights. Irrespective of the religion to whice an individual is within the fold of the Hindu Social System. The Explanation II of the Article 25, therefore, grants an equal status and position to ll individuals under a law that may be made for the purpose of the Social Welfare nd the Social Reform.

Since the Articles 46, 330, 335, 15 (4) and 16 (4) lay down the foundation of the Welfare and Equalitarian State, the Article 25 speaks of the equal treatment for the purpose of social welfare and reform to all Hindus who include the Scheduled Castes and the Scheduled Tribes, the Sikhs, the Jains and the Buddhists irrespective of their religion. The facilities and concessions, Reservations and safeguards granted to the Scheduled Castes and the Scheduled Tribes and the Weaker Sections of the people must, therefore, be extended to the New Converts to Buddism, if the state is look after their welfare and reform.

I, therefore, urge that the New Converts to Buddhism are entitled to all the facilities and concessions, reservations and safeguards which they were enjoying before their conversion.

EXPLANATION — RESERVATION — A WEAPON

RESERVATION A METHOD AND MEANS OF CHANGING SOCIETY.

Reservation is only a means, but we raised it to the level of principle because we want to impress upon the minds of the uniformed and of the Sceptical. *The reservation is only a weapon to break the social barrier so that* the members of the Scheduled Castes and Scheduled Tribes and the New Converts to Buddhism can stand on their own legs and find their *representation* in the Legislature and the *Executive* and the *Administration* of the Country. This is, in fact, based on the principles of Social Justice, political expediency and the Constitutional propriety.

PART II

Constitutional Foundation

TWO QUESTIONS

(1) Representation, and

(2) Fair and Adequate Representation :

I need not mention now that since we have accepted the Democratic form of Government based on the Written Constitution, we have *engrafted the principles of Social Justice* and *Political expediency* and the Economic equality as a social, political and economic necessity *in the Constitution of India*. The system of giving representation to these people has, therefore, been incorporated *in the, Indian Constitution itself*.

The system of Reservation has, it will be seen, three aspects. They are ;-

i) The first aspect is the need and the necessity of giving of *representation*.

ii) The second aspect is giving of *adequate* and *fair representation* and

iii) The third aspect is the acceptance of *the Population as the basis* for the purposes of giving representation which not only ought to be *adequate*, but *fair*.

The Question not left to the whim of any State :

Let me, at the outset, make *one point for these people clear* that the acceptance of giving of the Representation and keeping Reservations is not now left to the sweet will and mercy of any individual State. All States must accept this system of *representation and Reservation* for the Class of people under the Constitution itself. there be no discussion and no suspicion and no confusion on this question. It is Let therefore, now a matter of the fulfilment of the Constitutional Obligation both for the State Governments and the Central Government.

For the purpose of understanding the Constitutional foundation of '*representation*', '*adequate representation*' and the 'population basis' for giving of representation to these people, we have to refer to the Part XVI of the Constitution of India which deals with the "*Special Provisions Relating to certain Classes*" and more especially to the Articles 330, 332 and 335 and 16 (4) and also the Article 46 and Article 25 of the Constitution of India. For this purpose we have constantly to bear in mind these "*Special Provisions*".

These "*Spécial Provisions*" deal with three types of Reservations for the purpose of Rapresentation to these people. They are :-

Representation in I) *The Legislature,*

II) *The Executive,* and

III) In the *Administration,*

I Representation in Legislaturs.

To understand with what question these "Special Provisions" deal, let us open the Part XVI of the Constitution itself and read Articles 330 and 332. Let us read the Article 330 and 332 first, What do they say?

(I) *Article 330* Speaks of two things :

I. It speaks, in the first place, *of Reservation af Seats* for the Scheduled Castes and Scheduled Tribes in the *House of the People.*

II. It speaks, in the second place, of *reservation of seats in proportion to the population* of the Scheduled Case and Scheduled Tribes.

(2) *Article 332 Speaks again of two things :*

I) It Speake of reservation of seats in the *Legislative Assemblies* of of the States.

II) It Speaks of the reservation of seats in proportion to the population of the Scheduled Castes and Scheduled Tribes.

PART—III

Importance of Principle of Reservation

But for what purpose should Seats be reserved *for* these people, both in the Lok Sabha and in the *Legislative Assemblies* in the States? It does not require any efforts to answer this question. It is for the purpose of giving Representation to these people, that the *seats* are reserved for them. It will, therefore, be quite clear that both these two articles lay down Three fundamental principles of *Constituional, Political* and *Social* importance. These princel plesare :–

i) The principle of Representation which ought to be given to these people; and

ii) In order to achieve this objective the seats must be reserved for them both in Indian Parliament, the highest Legislature of the country and also in the Legislative Assemblies of the States.

iii) That the *Seats should be reserved in proportion to the population of these people* so that they can get adequate, fair and *proper* representation in the Legislature, Central and States.

These principles hardly require any further explanation and elaborotion.

COROLLARY.

(II) Reptesentation in the Executive :

As a corollary of the acceptance of the principle of Representation in the Legislature it follows that the principle of Reservation in the Executive is also accepted under these Articles. It is so clear and simple, but logical that it requires no explanation.and elucidation·

THE INSTITUTION OF THE CABINET SYSTEM

Since we have accepted the Cabinet system which means the Parlimentary Executive under the Articles 74 and 75 of the Constitution, it need not be explained that the appointment, existence and continuance of 'the Cabinet' rests on the *command* and the *Confidence* of the majority in the Lok Sabha or the State Legislative Assemblies. When we talk of the majority, we talk of the number and *the Proporation of the representatives of the people*. Will it, therefore, be wrong to infer that the existence and continuance of any Cabinet must also depend on the consent and support of the Elected Representatives of the Scheduled Castes and Scheduled Tribes. This discussion leads to the establi-

shment of the most important proposition, namely, that the *proper, adequate and fair representation must be given to these people in the Executive also in proportion to their population.*

(III) RESERVATION IN THE ADMINISTRATION

The Constitution not only has accepted and engrafted the principle of reservation for the for these people in the Legislature and the Executive but it has done so in the Administration too. To my mind, it has been done so, because the Founding Fathers envisaged that reservation for these people in the Administration--public Service would help in establishing both (i) Social Democracy and (ii) Economic Democracy. With that end in view the principle of Reservations in the Public Services has been adopted. It will further be seen and appreciated that the percentage of reservation has been and sought to be made in proportion to the population of these people.

PART IV

Representation on Population Basis

I am quite sure that somebody is bound to lose patience with me and say : "What is the use of dealing with these matters ? Though they are of the Constitutional and political Importance, what have they to do with the system of reservation carried on by the State ? Where is the Constitutional Provision which lays down that *the population basis must be taken* into considera-of in fixing the Percentage ?" I quite undetstand the feelings behind these and similar question if they are raised. Let me, therefore, crave indulgence of everybody to have patience and to bear with me for some time to allow me to explain the real position.

Constitution position of the basis of population.

For the purpose of understanding the Constitutional propriety of the *population basis*, we have to read Articles 335, 16(4), 46, 330 and 332 of the Constitution . of India. Let us read and analyse those Articles mentioned above one by one. What do we find ? We find the followings points :—

(I) The article 335 lays down that "The claims of the members of the Scheduled Caste and Scheduled Tribes shall be taken into consideration in the making of appointments to services and posts in connetion with the affairs of the Union or of a State." In other words, it lays down a simple proposition that the *Claims* of the Scheduled Castes and the Scheduled Tribes will be taken into consideration in the making of appointments to the posts and services.

(2) The article 16(4) elaborates this proposition laid down in the Article 335. It says that "nothing shall prevent the State from making *any provision* in appoitments or posts in favour of *any backward class of citizens* which is not adequately represeted in the services under the State:" in other words it speaks, in fact, of two things. In the first place, it speaks of the exercise of power and authority which is not only inherent, and implied but which is soecifically given to the State both under the "Special provisions" of the PART XVI in the Article 335 of the Constitution of India and also under the Theory of fundamental rights incorporated in the Part III of the Constitution. In the second place it speaks of that such exercise of power and authority shall not be construed and considered as the exercise of power discriminating in between a citizen

and citizen. It is, therefore, clear that the article 16(4) elaborates the simple proposition laid down under the article 335 that "the claims of the Sheduled Castes and Sheduled Tribes shall be taken into consideration in the making of appointment."

It has in fact, elaborated and expanded the simple propositon laid down under Articles 335 with regard to :

I) The taking in to consideration the *claims*

II) *of any backward class of citizen*

III) Who are not *adequately represented* in the public services under the State.

A PROPOSITION OF FOUNDAMENTAL IMPORTANCE.

If we read these two Article together, what proposition do we get ? We get another proposition of fundamental importance, namely, "That the *State shall take into consideration, the Claims of* the member of *the Scheduled Castes and Tribes. and shall be for that purpose, making reservation for appointments and posts in favour of any backward class of* citizens who *are not adequately represented in the services under the State.* " That this is the real position under these two Articles, I am quite sure, everybody would acccept and none will challenge. These two Articles, therefore, lay down, according to my view, the Constitutional proposition of fundamental importance. It is of fundamental importance because, it lays down two things. They are:—

1. It lays down, in the first place, that the claims of these people in the services will be taken into consideration, and

2. It lays down, in the Second place, that reservation aught to be made for the purpose of giving adequate representation to the Backward Clsss of citizens who are not adequately represented in the public services.

It may be argued that while the articles 16(4) Speaks of the 'Backward Class of citizens', the Articles 335 Speaks of the Scheduled Castes and Scheduled Tribes. How are these two positions to be reconciled ? I have already explained at to how these two Articles aae not mutually exclusive or antagonistic to each other. I, therefore, need not repeat the same explanation.

What about the population basis ?

Let us read Article 330, 16(4) and 335 :

(1) The Article 335 lays down that the claims of the Scheduled Castes and Scheduled Tribes should be taken into consideration in making appointment to the public service.

2) As to what should be the basis of represeneation of these people is laid down under toe Article 330. *The population basis* should be the foundation for Reservation for the purpose of Representation is laid down under this Article 330.

3) I need not repeat that the Artiele 16(4) speaks of the reservation for the puspose of *adequacy of repersentation* of these people.

Let me make the position clear by laying down these propositions :

(1) The "Special provisions" are intended to show some *special and weighty latitude* towards the Scheduled Castes and Scheduled Tribes.

(2) The Articles 330 and 332 lay down that the provisions for making Reservation and further that the said reservation oughts to be based on the population basis.

(3) The Article 16 (4) lays down that, at the time of *making reservation the inadequaey of the Representation* in the public services of these people, *should be taken into consideration*. The conclusion is, therefore, that the reservation must be based on the basis of population of these people to ensure adequate and fair representation in the public services for these people.

PART II.

How Far This has Been Appreciated

In the ordinary course of events I would have expected that everybody would realise and appreciate the importance and implications and also the real purpose of these "Special Provisions", of the Constitution. But I am sorry to reflect upon a fact that I do not find any trace of such evidence of appreciation of these provisions of the Constitution in any corner of the Country.

I may be accused that I am adopting a doctrinaire attitude towards the problem of the Reservation and safeguards. But let me make the point clear as to why I have raised this discussion of the principles of Social Justice and the Constitutional Obligation. There has been a new trend developed in some quarters to-day that the reservation as a weapon for raising the downtrodden communities has outlived its utility. "These downtrodden Communities", thus they argue, "have so much improved their lot and are so much advanced and the advanced Communities are so much lagged behind that there is no difference of any kind in between them. These Backward Communities now occupy so much an enviable position in the society that they require no concessions, no special facilities and no reservation". Some of the critics of Reservation have gone to the length of pleading that "if the reservation, if at all it is to be given, should be made in favour of the advanced Communities which are nowadays lagging behind". There are also others who hold a view that the reservation, and facilities are instead of helping the removal of Caste-barriers, actually help the preservation of Caste System and social barriers. They argue that the persons belonging to Backward Classes, are out to maintain the Caste-ridden society for the sake of getting reservations and facilities. The same persons are likely to argue and criticise me for demanding facilities and Reservations for the New Converts to Buddhism.

CRITICS SILENCED.

We shall see the truth or otherwise in what these critics have said. These critics may belong to either of the two categories. They might either belong to the Class of simpleton or they might belong to the Class of a clever lot. Those who belong to the Class of simpleton do not, to say the least, understand the actual *State of affairs* prevailing even today in the Indian Society. They might either be carried away by the false propaganda that the 'Caste-ridden society' is vanished and that these backward classes are trying to maintain the Castes or they might

be frightened by the ghost of an argument that their rights and privileges are jeopardised because of the reservation in favour of these Classes. It might be, who knows, that such simpletons might be a casualty of a clever ruse intended to rouse the feelings of antagonism and animosity towards those who either demand or fight for the retention of getting the special facilities and reservation. Whatever may be the reasons, the simpletons are misled and, therefore, misunderstand the real situation. A little they know how much these Backward Classes suffer for want of proper, fair and adequate representation in all walks of life.

The rogues are interested in raising the ghost of the 'Communal representation' so that the poor and the ignorant class of these people may be frightened to give up reservation in order to appear to be ultra radicals and revolutionaries. But I hope that wise among them will not fall a prey to such propaganda and guard against the clever machinations of the rogues.

Because of this development of trend and an existence of prejudicial attitude towards the question of reservation there have been many an enemy and a few friends of the Backward Classes in our Country. There have, therefore, been many an enemy and a few friends of the principle of reservation itself and also of those who try to speak to retain or increase the facilities and reservation. This attitude could be found alike in the Government Officials and non-Officials.

Be on your Guard.

I am afraid as to what would happen to the improvement in the conditions and advancement, however, little there may be, of the backward class of people achieved because of the Reservation, if this attitude develops and takes possession of the minds of those who are in power and authority. It passes all my comprehension and imagination as to what will happen to the Indian Society itself which is heading towards the *Welfare State and Democratic Socialism if these* Classes remain backward. I hope that every thinking person will guard against the development of such an attitude. Because, let us ask ourself: Can there be Welfare of the State without the Welfare of these people and Democratic Socialism without equality, social, economic and political of these People ?

PART-III

Democracy—A Way of Life

Those who think that Democracy is not only a form of Government but a way of life, I am certain, will not fall a prey to such a propaganda, will not allow their minds and attitude to be changed towards the principle of Reservation. Because nobody should forget the warning given by Dr. Ambedkar, the main Architect of the Indian Constitution, who in his "Ranade, Gandhi and Jinnah" on Page 36 says :

> "A Democratic form of Government presupposes a Democratic form of Society. The formal framework of Democracy is of no value and would indeed be a misfit if there was no social democracy. The politicals never realised that Democracy was not form of Society, It may not be necessary for a Democratic Society to be marked by unit, by community of purpose, by loyalty. But it does unmistakably involve two things. The first is *attitude of mind, an attitude of respect and quality towards their fellows. The second is a social organisation free from rigid social barriers.* Democracy is incompatible and inconsistent with isolation and exclusiveness, resulting in the distinction between the privileged and the unprivileged."

This will clearly show that the existence of Democracy itself depends on the attitude of mind and conception of egalitarian social Organisation which must try to remove distinction between the privileged and the unprivileged. In order to achieve this aim and objective, I am pleading for the facilities and concessions, Reservation and safeguards, political, social, economic, religious and educational to the New Converts to Buddhism.

AN APPEAL

I, therefore, very humbly appeal to the Prime Minister of India and the Chairman of the Planning Commission and through him the country as a whole to bestow the necessary consideration and sympathy on the problem of the Indian Buddhists the New Converts to Buddbism and extend all th[illegible]ies and concessions, Reservations and safeguards to these New- Converts[illegible]